

U. S. Supreme Court Sustains Prohibition

Opinion Says War Time Dry Law Is Constitutional

Liquor Interests Handed A Solar Plexus Blow By Decision of Country's Highest Tribunal

(By Associated Press)

Washington, D. C., Dec. 15.—The Supreme Court today held war-time prohibition constitutional. The opinion was read by Associate Justice Brandeis, who said the government did not appropriate liquor by stopping its domestic sale, as the way is left open for exporting it. The opinion declared the signing of the armistice did not abrogate the war powers of Congress, and it called attention to the continued control of the railroads and reasumption of powers by the government relative to coal and sugar under war acts to show that the government continues to exercise the various war powers despite the signing of the armistice.

The court declared the constitutional prohibition amendment is binding on the federal government as well as the states and supercedes state laws.

It said there is no basis for the contention that President Wilson's statement in his message vetoing the prohibition enforcement act, that the war had come to an end, was a proclamation announcing the termination of the war.

The court confined itself entirely to the war-time prohibition act and took no action on the so-called beer cases, which attacked the constitutionality of the prohibition enforcement act.

The opinion was on all cases from New York and Kentucky, and was unanimous. In the Kentucky case injunctions were dissolved, restraining revenue officials from interfering with the removal from bond of about 70,000,000 gallons of whiskey, valued at approximately \$75,000,000 held by the Kentucky Distilleries and Warehouse Company of Louisville.

Thus vanished the hopes of many for a "wet" holiday time and added one of the final milestones to the long fight to make the country "dry."

The constitutional prohibition amendment becomes effective January 16th. Until then war time prohibition is expected to keep the country dry.

Constitutionality of the war-time prohibition and the prohibition enforcement laws was attacked in the Supreme Court in three different appeals. One was from Kentucky, where the former statute was held invalid. Two came from New York where both acts were sustained.

Besides the millions of dollars invested in brewery and distilling plants, the decision affects approximately 60,000,000 gallons of whiskey valued alone at between \$100,000,000 and \$200,000,000, according to internal revenue officials' estimates.

The cases of the Kentucky Distilleries and Warehouse Company, of Louisville, and Dryfoos, Bum & Company, of New York, were virtually identical and resulted from efforts to compel the government to release whiskey from bond. The third case, an appeal of Jacob Ruppert, a brewer of New York, involved authority under the acts to manufacture beer containing 2.75 per cent alcohol.

In arguing the cases before the Supreme Court on Nov. 20th and 21st, 1919, Elihu Root and others appearing in opposition to the prohibition acts, contended that war-time prohibition was unconstitutional because Congress had no power to prohibit the sale of intoxicants within a state except under its war power which had ceased; that the act conflicted with the Fifth constitutional amendment prohibiting the taking of private property without just compensation and that the war had terminated, making the act obsolete and invalid. It was also

contended that the Volstead law (the prohibition enforcement act) by fixing one half of one per cent as the maximum amount of alcohol in beverages, established a new standard for intoxicants. Mr. Root also contended that the constitutional prohibition amendment allowed liquor dealers a "year of grace" to enable them to readjust their affairs to meet changed conditions but despite the amendment, which he argued was virtually a contract between Congress and the states, the liquor business had been constantly heckled with legislation by prohibitionists in Congress seeking to advance the time for national prohibition.

These contentions were generally rebuffed by Solicitor General King and William L. Frierson, assistant attorney general, appearing on the government's behalf, who took the position that the prohibition act is still in full force owing to the senate's delay in ratifying the peace treaty; that a state of war technically exists; that national prohibition was necessary for the winning of the war and the establishment later of normal peace conditions and that such legislation came within the war powers of Congress.

In declaring the war-time prohibition act unconstitutional, Federal Judge Walter Evans in Louisville, held the act conflicted with the Fifth amendment and enjoined internal revenue officials from preventing the Kentucky Distilleries and Warehouse Company from removing whiskey for beverage purposes from its warehouses. The act, however, was upheld in the Dreyfoos case by the Federal district court in New York which dismissed proceedings brought to enable the company to withdraw a small quantity of distilled spirits from bond.

The Kentucky case was decided by the lower court on Oct. 27 and the New York cases on Nov. 14th and all were immediately appealed. About 18 months would have been required for them to make their way thro the Supreme Court docket for argument had not the court upon motion of both sides, agreed to expedite their consideration owing to the short time elapsing before national constitutional prohibition becomes effective in January.

HIGHER PRICES AT PICTURE SHOWS

The management of the local picture shows announced higher picture show prices beginning to-night. Because of the increase of film rental, rents, war tax and employees, the prices of admission in most every town in the United States have been increased in the past two months.

The admission on the local theatres will be raised to children 20c, adults 30c, balcony 20c, beginning with to-night performance. All super-feature productions will be shown at this price.

A standard price is to be established and in the future all features will be shown at the regular admission prices of 10c and 20c. An orchestra will be furnished with the picture program nightly, musical acts and singers will also be presented. To the theatre goes throughout the season. A special quartette has been engaged for an early engagement here which will be a treat to music lovers.

A lot of pictures has been selected for the coming year, such as Lombardi Ltd., Nazimova in "The Brat", Mary Pickford in "Pollyanna", Douglas Fairbanks in his newest big four productions "When The Clouds Roll By", and "His Majesty, the American". The race horse story "Checkers" in "An Old Kentucky" D. W. Griffith's "Broken Blossoms", Elsie Janis in "A Regular Girl", Robt. Warwick in that famous novel "Told in the Hills", Norma Talmage in "The Island of Conquest", and others. The biggest stars and biggest productions available with good music, will be presented regularly.

THE WEATHER

continued cold. Fair tonight and Tuesday; continued cold.

BOOSTS TOM PICKELS IN HIS NEW JOB

The Publisher's Auxiliary, the house organ of the Western Newspaper Union, with which Tom H. Pickels, formerly of Richmond, has been connected since he left Richmond several years ago, makes the following complimentary mention of his promotion to the management of the Baltimore office, which will be read with interest by his many friends at home here:

Meet Mr. Pickels, of Baltimore. The Auxiliary is pleased this week to introduce Thomas H. Pickels, just appointed manager of the Baltimore office of the Western Newspaper Union, to fill the vacancy occasioned by the resignation of George R. Belows, for many years manager of that office.

Mr. Pickels brings to the Baltimore field a broad experience in the newspaper business, a cheerful, optimistic that is contagious, and a sunny sparkling personality, which insures his welcome in that splendid territory, and his success as manager.

Born in Richmond, Ky., in the heart of the famous blue grass region, he grew up in the wholesome atmosphere of the section, taking his B. A. degree at the University of Kentucky. While in college his interest in journalism was awakened and he did considerable work for the college paper.

On leaving school he became the owner and editor of the Richmond Register, one of the oldest and best weekly papers in the state. For 12 years he conducted the Register, during which period he made it a leader in its field and a political power to reckon with.

The field cramped Tom, however, and, as he expresses it, desiring to get into the "Big League", he sold the Register and accepted a position with the Cincinnati office of the Western Newspaper Union as traveling salesman, and since that time has spread good cheer and the gospel of service from Florida to the St. Lawrence, having been attached to various branches.

In every field he made a legion of friends. He left the New York office to take charge at Baltimore.

We believe the publishers of the Baltimore territory are to be congratulated upon the acquisition of Mr. Pickels, whom they will find an energetic, resourceful, courteous gentleman, whose experience has been such as to be of value to them. And they may be assured it will be at their command.

But please spell Mr. Pickels' name with the "el." He is not the common or garden variety.

RICHMOND BOY WAS IN BALLOON RACE

It has not been generally known here that Lieut. Chas. S. Powell, of Richmond, was one of the fliers in the national balloon race of a few weeks ago. The Daily Register has just received a copy of a St. Louis paper which told of his part as follows:

Four of the eleven balloons which started from here yesterday in the national balloon race are down, according to telegrams received by Maj. Albert Bond Lambert of the Missouri Aeronautical Reserve Corps. Three other balloons have been heavy ants, the fourth being the pilot. Three other balloons have been heard from, but were in the air at the time they were reported.

The balloons down, pilots aids and place of landing follows: "The Missouri Aeronautical Reserve," Capt. Elmer G. Marschuetz, pilot; Lieut. Charles S. Powell, aid, landed at 12:45 a. m. near Roselle, Ill.

The Rockwood coffee habit is a mighty delightful habit. It makes the best meal, just a little better. If you don't believe it say Rockwood to D. B. McKinney & Co., and find out for yourself.

The Shallow Ford school will give their closing exercise Saturday, Dec. 13, by Rev. J. W. Broadus. Refreshments will be served. Miss Elizabeth Thompson, Teacher.

MAYOR NOTIFIED FUEL BAN IS OFF

Regional Coal Committee Sends Out Official Notice and Stores May Now Keep Open

Mayor L. P. Evans Monday morning received formal notice from Regional Coal Committee of the removal of fuel restrictions, which will be good news for business men who are anxious to keep their stores open for the holidays trade. The official notice to the Mayor which says all the lights and fuel needed may be used, is as follows:

Atlanta, Ga., Dec. 12, 1919. To The Public:

The Southern Regional Coal Committee is glad to be able to announce a general relaxation of the restrictions upon the use of fuel which the people of the South have observed so loyally during the crisis brought on by the coal miners' strike. Upon receipt of the necessary authority from the Central Committee at Washington, the following instructions were sent tonight to the railroad officials in charge of the conservation program:

"All restrictions upon hours of operation and business of industries, stores, office buildings, etc., imposed by fuel conservation regulations announced on November 29th and by subsequent modifications and additions hereto, are hereby suspended until further notice. Full information will be given to the newspapers and press associations but you should see that all your officials and local agents are advised promptly of this notice. Formal notice should be given particularly to the Mayor or other chief local public officers who have been co-operating in enforcement of the regulations.

"Immediate suspension of the regulations is possible because of the increased coal production in the Region and is desirable because of the necessity for returning empty cars quickly to the mines for reloading. The relaxation of mandatory conservation measures must not be construed as indicating that coal is going to be plentiful this winter. Until production becomes normal throughout all the country's coal fields and normal reserves accumulated by consumers it is vitally necessary that coal be conserved in every way possible. It will be necessary to continue conservation because of the loss in production of between thirty and thirty-five million tons during the strike. For the present, the restriction limiting deliveries by retail coal dealers to one ton per household remains in effect.

"In announcing the suspension of regulations quickly in order to permit industries to return to a normal basis as soon as possible and also to facilitate the handling of Christmas trade by merchants during the few days remaining before the holidays, the Regional Coal Committee does not hold out promise that it will be able to supply fuel for industries other than utilities which now have no stocks on hand."

The following instructions were also sent at the same time:

"You are hereby authorized until further advised to release for prompt movement and delivery in accordance with original billing all coal on wheels or which may be loaded at the mines consigned to consumers in first five classes of Fuel Administration's preference list.

"You are further authorized to release for prompt movement and delivery coal consigned to classes six and seven of the preference list to the extent each line can make delivery without jeopardizing the supply for the first five classes. Prompt placement for unloading of cars on hand at destination consigned to consumers in all of the seven classes referred to should be made, except where it may be necessary to hold cars from consumers in the sixth and seventh classes having amounts of coal consigned to them greatly in excess of their immediate needs and which may be needed either for supplying the first five classes or for making emergency deliveries to industries in the sixth and seventh classes whose coal has been diverted and who have no stocks on hand. It will be necessary to protect the latter classes so far as practicable for a short time until opportunity has been given for the movement of shipments from the mines.

"Previous instructions covering the delivery of coal for steamship bunk-

Wilbur Browder, 71, one of the most prominent attorneys in western Kentucky is dead at Russellville.

SMALL NEWSPAPERS FACE EXTINCTION

(By Associated Press)

Washington, Dec. 15.—Three thousand small newspapers face suspension, if not extinction, unless the scarcity of news print is soon remedied, Representative Anthony, republican, of Kansas, told the House postoffice committee today, in urging a favorable report on his bill to limit the size of newspapers and periodicals using second class mail privileges. He asserted the present shortage is due to rapacity of the great publishing companies buying all the news print they can lay their hands on. He said the situation for the small publishers is all but tragic.

FAMOUS MAGICIAN COMES WEDNESDAY

What is said to be a gold mine of irrepressible laughter, fun, tricks, and amusement will be in Richmond, Wednesday, December 17th, at the Opera House.

Who can ever forget the first magic performance he ever saw? Awesome, wasn't it, to see "easy money" picked out of the air, eggs from people's noses, (and eggs 75c per dozen—you hoped Magi would not lose his nerve and drop 'em) and guinea pigs from their hats. A sure-enough-never-to-be-forgotten experience even if you didn't get any of the money, eggs, pigs or oranges, at a time when prices were so fanciful. These are the simple stunts. How many of us have seen a really first class performance by a Master? Probably one in ten. The Herrmann performance is the most complete magic program ever staged; special settings, gorgeous paraphernalia and properties and a large force of assistants are necessary to put on this matchless exhibition of mystery and diablerie.

The Great Herrmann's unrivaled skill is the product of thirty years of diligent study under his uncle, Alexander Herrmann the Great. Every branch of the mystic art has been investigated by the Great Herrmann. Natural genius, diligent study, deep research and original thought have made his a Master Mind in magic.

With the Great Herrmann comes Mme. Creator and her famous musical organization, the dancing DuBrowns, exhibiting all classes of dancing and some absolutely new ones, the Ferraros, the laugh provokers, Mile. Dazza, Marie Toulouin and beautiful Jessie Smith.

NAMED ADMINISTRATOR

W. M. Baber was appointed, and qualified in the county court, as administrator of the estate of his daughter, Nannie Baber, with William Dixon as surety on his official bond.

ers are modified to the extent that coal is available for the supplying of ships in the following order:

1. In land waterway vessels.
2. Coastwise shipping.
3. Ships flying the American flag in overseas service.
4. Ships flying foreign flags.

"Specific authority will be given by each port officer upon presentation of details by bunker agent having contract to coal ship subject to coal being available, and preference will be given in supplying bunker coal for ships in accordance with the above order of preference. Authority for release of export cargo coal remains vested in this committee and application must be made accordingly for release of cargo coal."

The relaxation of restrictions authorized in the above instructions necessarily are subject to developments in the coal fields. If for any reason production should be insufficient to meet the requirements of the first five classes, of the preference list it may become necessary to restore restrictions both upon distribution and consumption, wholly or in part.

REGIONAL COAL COMMITTEE.

THE MARKETS

Cincinnati—Hogs 25c higher \$14; Chicago 25c higher; cattle steady. Louisville—Cattle 2100; slow and unchanged; hogs 3100; 25c and 50c higher; tops \$13-75; sheep 150; steady and unchanged.

COAL PRODUCTION 80 PER CENT NORMAL

(By Associated Press)

Washington, Dec. 15.—In connection with the announcement that restrictions against supplying fuel coal to foreign ships are relaxed today to permit the departure of hundreds of vessels, held in port since the coal shortage became acute, the railroad administration said coal production is 80 per cent of normal today.

It was indicated at the White House today the commission to investigate the coal industry with a view of adjusting wages and prices will not be named until the mine workers have carried out their agreement to return to work.

BEREA GIRL MAY DIE FROM BURNS

Miss Lela VanWinkle was seriously burned at her home on Estill street in Berea Thursday morning about 5 o'clock when her clothing caught fire from an open grate. Her clothing was entirely burned from her body. Little hope for her recovery is held.

STILL "REPRESENTING" DOWN IN MEXICO

(By Associated Press)

Washington, Dec. 15.—The American embassy at Mexico City by State Department, to make representations to the Mexican government regarding the kidnapping of Fred G. Hugo, American manager of the Dobie Ranch near Masquise, by Villistas last week. It was also ordered to investigate the reports that Villistas carried off another American named Phillips.

American Is Released

(By Associated Press)

Eagle Pass, Texas, Dec. 15.—Advices received here today say the Villistas released Hugo without payment of any ransom money.

Winter Wheat Acreage Short

(By Associated Press)

Washington, Dec. 15.—The Department of Agriculture announced today that the winter wheat area sown this fall is 38,770,000 acres, compared with 50,489,000 acres in the fall of 1918.

BUTTER HIGHER THAN EVER

(By Associated Press)

Chicago, Dec. 15.—Butter prices this year are higher than they ever were before the armistice was signed. The high price for the best butter during the war period was sixty-seven and one half cents, wholesale, while 72 cents has been reached this fall and the present cost is 70 cents. This brings the retail cost of 80 cents. Dealers estimate that people in Chicago district use about 5 per cent butterine, 23 percent storage butter and 72 per cent of the strictly fresh.

THESE BOYS ALWAYS GET THEIRS

(By Associated Press)

Washington, Dec. 15.—Under an agreement between the Railroad Administration and the four railroad brotherhoods, announced today, time and a half for overtime in the slow freight service becomes effective as on Dec. 1st.

SUES FOR DEATH OF HOG

Virgil Tudor filed suit in the Madison County Court Friday against the American Railway Express Company for \$100, alleged value of a hog shipped to the plaintiff, which was dead when it reached here. G. Murray Smith is attorney for the plaintiff.

Another Hun Note

(By Associated Press)

Paris, Dec. 15.—The German peace delegation today handed the German's reply to the Entente note to Paul Du Tasta, secretary of the peace conference.

NINE BASKETS SELL AT 99C A POUND

Unusual Record At Home House Monday When Miller and Tribble's Crop Is Sold

Tobacco sales continued at the Home House again Monday and prices continued way up as usual. The feature crop was that of Miller and Tribble. A remarkable record was made on this crop when nine baskets straight in a row sold at 99 cents a pound, and none of them was a small basket either.

Some of the sales noted at the Home since last report were: Miller & Tribble sold the following baskets: 225 lbs at 93c; 245 lbs at 99c; 160 lbs at 99c; 165 lbs at 99c; 140 lbs at 99c; 280 lbs at 99c; 280 lbs at 99c; 175 lbs at 99c; 375 lbs at 99c; 250 lbs at 70c; 225 lbs at 78c.

B. F. Jones and Francis sold the following baskets: 160 lbs at 78c; 70 lbs at 85c; 155 lbs at 96c; 80 lbs at 99c; 135 lbs at 95c; 95 lbs at 99c; 110 lbs at 99c; 265 lbs at 98c; 80 lbs at 96c; 245 lbs at 78c; 200 lbs at 66c; 100 lbs at 55c; 95 lbs at 65c; 50 lbs at 20c; 70 lbs at 20c; 35 lbs at 10c; 35 lbs at 13c; 80 lbs at 10c.

Layton and Coy sold the following baskets: 50 lbs at 90c; 195 lbs at 84c; 130 lbs at 82c; 95 lbs at 80c; 85 lbs at 80c; 235 lbs at 31c; 235 lbs at 31c; 90 lbs at 24c.

Turner Bros. sold the following baskets: 380 lbs at 92c; 660 lbs at 91c; 255 lbs at 97c; 495 lbs at 95c; 435 lbs at 89c; 540 lbs at 92c; 520 lbs at 77c; 390 lbs at 76c; 360 lbs at 68c; 415 lbs at 49c; 405 lbs at 45c; 280 lbs at 49c; 140 lbs at 30c.

Clark & Bond sold the following baskets: 40 lbs at 16c; 125 lbs at 40c; 120 lbs at 68c; 110 lbs at 78c; 200 lbs at 90c; 80 lbs at 70c; 145 lbs at 96c; 70 lbs at 88c; 130 lbs at 93c; 210 lbs at 72c.

Vaughn & Abney sold the following baskets: 185 lbs at 18c; 150 lbs at 94c; 215 lbs at 80c; 265 lbs at 80c; 125 lbs at 60c; 190 lbs at 75c; 180 lbs at 83c; 390 lbs at 21c.

W. J. Pearson sold the following baskets: 65 lbs at 70c; 110 lbs at 93c; 30 lbs at 93c; 30 lbs at 98c; 30 lbs at 98c; 100 lbs at 30c; 50 lbs at 20c; 35 lbs at 85c.

Frank Barnett sold the following baskets: 90 lbs at 96c; 30 lbs at 97c; 95 lbs at 99c; 5 lbs at 61c; 10 lbs at 61c; 10 lbs at 61c.

Burgess & Fletcher sold the following baskets: 75 lbs at 10c; 110 lbs at 25c; 105 lbs at 66c; 140 lbs at 98c; 30 lbs at 99c; 145 lbs at 99c; 85 lbs at 99c; 65 lbs at 74c; 170 lbs at 80c.

R. D. Hollondworth sold the following baskets: 70 lbs at 80c; 120 lbs at 75c; 30 lbs at 81c; 160 lbs at 25c; 50 lbs at 10c; 10 lbs at 85c; 30 lbs at 99c; 25 lbs at 89c.

Charlie Evans sold the following baskets: 60 lbs at 20c; 165 lbs at 31c; 100 lbs at 66c; 330 lbs at 60c; 230 lbs at 90c; 305 lbs at 99c; 335 lbs at 89c; 200 lbs at 91c; 205 lbs at 92c; 140 lbs at 93c; 65 lbs at 98c; 390 lbs at 80c.

Lackey, Easley and White sold the following baskets: 170 lbs at 76c; 440 lbs at 94c; 280 lbs at 88c; 425 lbs at 88c; 380 lbs at 70c; 845 lbs at 65c; 285 lbs at 41c; 20 lbs at 17c.

J. G. Hoskins sold the following baskets: 95 lbs at 16c; 95 lbs at 22c; 100 lbs at 81c; 25 lbs at 81c; 95 lbs at 81c; 65 lbs at 53c.

Wall & Park sold the following baskets: 110 lbs at 10c; 180 lbs at 25c; 425 lbs at 75c; 140 lbs at 84c; 160 lbs at 89c; 215 lbs at 89c; 195 lbs at 75c.

W. P. Wells sold the following baskets: 25 lbs at 96c; 55 lbs at 96c; 25 lbs at 83c; 40 lbs at 80c.

Wells and Wells sold the following baskets: 115 lbs at 80c; 120 lbs at 80c; 110 lbs at 80c; 135 lbs at 80c; 135 lbs at 96c; 145 lbs at 84c; 80 lbs at 98c; 75 lbs at 94c; 60 lbs at 84c; 115 lbs at 78c.

Lee and Davis sold the following baskets: 160 lbs at 60c; 210 lbs at 80c; 150 lbs at 98c; 165 lbs at 99c; 95 lbs at 84c.

Jas. Lee sold the following baskets: 45 lbs at 98c; 45 lbs at 86c. Pierson and Purson sold the following baskets: 130 lbs at 99c; 95 lbs at 99c; 130 lbs at 99c; 240 lbs at 66c.

Francis a Prather sold the following baskets: 295 lbs at 81c; 270 lbs at 83c; 350 lbs at 84c; 310 lbs at 92c; 470 lbs at 93c; 225 lbs at 36c; 450 lbs at 28c; 315 lbs at 25c; 320 lbs at 46c; 45 lbs at 10c; 70 lbs at 10c.